

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO. 04-10194-RCL
)	
ANTHONY BUCCI)	
)	
Defendant)	

**GOVERNMENT’S MOTION FOR CLARIFICATION
OF SENTENCING RECORD**

The United States of America by and through Assistant United States Attorney John T. McNeil, respectfully files this motion for clarification of the record regarding Defendant Bucci’s sentencing in this matter. During the course of the sentencing hearing the Court referred to an Internet site associated with Bucci which had been located by Court staff. The Court did not provide a specific reference to the site, nor were the contents of that site made part of the sentencing record. In response to the Court’s comments, Bucci disavowed sole control over the contents of the Internet site.¹

At the end of the colloquy between the Court and counsel to Bucci on this issue, it remained unclear what impact, if any, the contents of the Internet site played in the ultimate sentence imposed by the Court. The government seeks clarification of the record in this respect in order to avoid confusion on appeal. In particular, the government seeks to determine whether the Court would have imposed the sentence it did, without regard to the contents or existence of

¹ Notably, while Bucci denied that he placed all of the information on that Internet site, Bucci did not deny any association with the site. In addition, Bucci did not address the underlying issue – whether he mislead the Court with respect to one of his pretrial motions.

the Internet site.

Therefore the government respectfully requests that the Court clarify and supplement the sentencing record by indicating what role, if any, the existence or content of the Internet site played in its decision to sentence Bucci.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

November 17, 2006

By: /s/ John T. McNeil
JOHN T. McNEIL
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

I, John T. McNeil, Assistant United States Attorney, do hereby certify that this document, filed through ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and that paper copies will be sent to those indicated as non registered participants on this date.

/s/ John T. McNeil
JOHN T. McNEIL
Assistant U.S. Attorney